

Name of meeting: PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

Date: 26th November 2015

Title of report: Planning Application no. 2014/93946 at land at Lingards Road/Manchester Road Slaithwaite -Outline application for residential development with associated access onto Lingards Road.

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for "call in" by Scrutiny?	No
Date signed off by Assistant Director & name	Paul Kemp Assistant Director Date: 17 November 2015
Is it signed off by the Director of Resources?	N/A
Date signed off by the Assistant Director – Legal, Governance and Monitoring	Julie Muscroft Date: 17 November 2015
Cabinet member portfolio	Cllr Steve Hall

Electoral wards affected: Colne Valley Ward

Ward councillors consulted: No

Public or private:

Public

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<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>

1. Purpose of the report

For Members to re-consider and determine the planning application.

2. Background

An application for planning permission was received on the 6 January 2015 seeking outline planning permission for the erection of residential development at land off Lingards Road Slaithwaite.

The planning application was reported to Sub-Committee on 15th October 2015 and Members resolved to “grant conditional outline approval subject to the delegation of authority to officers to impose all necessary and appropriate conditions which may include those at the end of the report and, there being no substantive change that would alter the recommendation, issues the decision”.

The full committee report included in the 15 October 2015 agenda, the update, along with the resolution, is appended to this report.

On the evening of 15th October 2015 objections were received from a local resident stating, amongst other things, that he and other members of the Lingards Community Association had been unaware that there was a planning committee meeting taking place on that day or that this planning application was on the agenda. The objector forwarded a copy of an email from Development Management in which he had been informed that “This application will definitely be determined by Committee Members at the Strategic Planning Committee”. This email dated from January 2015 and predated the changes to the Terms of Reference for Sub-Committees approved by Council in March 2015. No subsequent communication had been made with the objector informing him that the application would now be determined by Sub-Committee.

This matter was discussed with the Chair of Sub-Committee. Chair asked that the application be brought back to Sub-Committee for determination in light of the unequivocal information given to the local resident in January which had not been updated when the Terms of Reference for Sub-Committees changed.

The correspondence received on the evening of 15th October, and subsequent emails, also contained some specific objections to the development which are considered in the next section of the report.

3. Key Points

The objector raised four main points; the first was that the application was being reported to the Huddersfield Sub-Committee rather than Strategic Committee. In response this is in accordance with the Terms of Reference for the Area Planning Sub-Committee which were approved at the public meeting of Council on 11th March 2015.

Three other objections were highlighted, in summary:

- A.** Mandatory requirements of the Habitats and Species Regulations 2010 and the duty of the developer

- B. Publicising the landscape assessment
- C. Development not sustainable on a number of grounds, including drainage.

These are addressed below in the order raised by the objector.

A. Mandatory requirements of the Habitats and Species Regulations 2010

Objector states

“The site is within the Government designated impact assessment zones for both the South Pennines SPA Phase 1 and South Pennines SPA Phase 2. Under the Habitats and Species Regulations 2010 the developer is therefore required under European Law to PROVE THAT HIS DEVELOPMENT WILL NOT HAVE AN ADVERSE IMPACT ON THE INTEGRITY OF THE SPECIAL PROTECTION AREAS. The developer has not even tried to prove that his development will not have an adverse impact on the integrity of both Special Protection Areas and the Council has failed in its duty to require that proof. I have specifically raised this issue twice in my formal responses to the planning application but there is almost no mention of it in the officer’s report. Quite simply the Members of the Committee were not properly informed about the European legal requirements when they made the decision this afternoon and the distance of the site from the Peak District National Park boundary was misreported by Officers”.

Response:

Before the application was reported to Sub-Committee the views of the Council’s Ecology & Biodiversity Officer was sought, the conclusion being that the development site in question is not functional to the SPA. The application was assessed on this basis.

Furthermore, the Council’s Ecology & Biodiversity Officer attended the Committee on 15th October, to clarify this position and answer any questions raised, in relation to this matter.

In reply to this the objector on 21st October stated:

“It is not open to Kirklees Council’s ecologist or the planning department to simply dismiss the requirements of “the Habitats and Species Regulations 2010”, on the grounds that you personally perceive that “the development site in question is not functional to the SPA”. You also cannot weigh “Habitats and Species” requirements against normal planning requirements. As you know, “Habitats and Species Regulation” requirements are mandatory legal requirements backed by European law. As an upland meadow which is not intensively farmed, the site is a typical bird feeding ground, within the designated impact assessment zones and within the accepted feeding radius for Twite and other species nesting on the moorland habitats of TWO Special Protection Areas. (I have personally witnessed a wide variety of birds feeding in the field every day, including birds that could well have been Twite). The applicant MUST therefore PROVE that the development will not adversely impact the integrity of the two Special Protection Areas and he has failed (not

even tried) to do so. Any planning approval without that proof is therefore automatically unlawful. Critically your officer report did not fully and properly advise the planning committee about the mandatory requirements of the Habitats and Species Regulations 2010 or that the developer had made reference to the wrong regulations in his supporting documentation. NB: The principles of the Habitats and Species Regulations that apply to this site are the same principles that applied to the recent (now defunct) proposal to construct Wind Turbines on Slaithwaite Moor”.

Response:

The objector understands that European Sites enjoy a strict system of legal protection and the precautionary principle applies which makes it clear that when considering any development which may impact upon the site’s features conservation objectives apply to the whole of the site AND any development which limits the distribution or suppresses the populations of relevant species within the site will be deemed to impact on site integrity. This includes functional land remote from the site. It is agreed that the principles of the Habitats and Species Regulations that apply to this site are the same principles that applied to the recent (now defunct) proposal to construct Wind Turbines on Slaithwaite Moor. However, in this case a different set of facts relate to:

- Characteristics of development
- Proximity of the site to the Special Protection Area (SPA), and
- Characteristics of the existing site resulting in a different conclusion which is set out below.

However, at this point it should be noted that the Habitats Directive requires that a competent authority undertake the following appropriate assessment requirements when considering development which may impact on a European Site namely:

- Determine whether a plan or project may have a significant effect on a European site
- If required, undertake an appropriate assessment of the plan or project
- Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment

Consequently the crucial first question to consider in this process is, will the development have a significant effect? If it is determined that it would not, then there is no requirement to carry out a formal appropriate assessment

In this case

- the applicant has provided an ecological assessment The ecological survey has established that the grassland is horse grazed pasture which is mostly agriculturally improved although

there are patches of more species-rich grassland. There are a number of grassland breeding bird species which may use this type of grassland for foraging and breeding although the species for which it appeared most suitable were found not to be present during the survey. These species include lapwing, skylark and meadow pipit. Although the site is not optimal for these species (for reasons of habitat and proximity to residential properties) there was potential for them to be present in low numbers, hence the request for further bird survey work. This indicates application of a Material Consideration rather than as a requirement under the HRA process.

- The Lingards Road proposed development site is not in the SPA. The Habitat Regulations only apply to European Designated Sites. The site does not fall within a Designated Site and is over 2km from the boundary of the South Pennine Moors Special Protection Area (SPA) Phases 1 and 2. Nevertheless, consideration must be given to whether the land within the proposed development site is 'functional' to the breeding cycle of bird species for which the SPA is designated (known as Qualifying Features). Functional land includes that used for foraging, loafing or pre/post season gatherings. NB the underlined terms are ecologically significant and precisely defined behaviours.
- Use of functional land only applies to Qualifying Species breeding (again note must be taken of the precise underlined activity which is ecologically significant) within the SPA boundaries. Qualifying species in this particular SPA include curlew, golden plover and twite. However, birds of the same species breeding (note the precise term) outside the designated site are not covered by the Regulations.

SPA bird species and use of functional land

- The main bird species which may use functional land (for the specified ecological purposes of functional land, ie foraging, loafing or pre/post season gatherings) which is remote from the Designated Site (as Lingards Road is) are curlew, golden plover and twite. However, whilst that is a possibility, in this case, the reason why these birds **are unlikely to** use the Lingards Road site is as follows:
- Curlew are very unlikely to travel more than 1km from their nest sites to feed and tend to avoid areas of habitation. The site is 2km away and surrounded by houses.
- Golden plover may travel up to and even beyond 2km from their nest site. However Lingards Road is too disturbed (in terms of the proximity of human activity). This species also tends to be faithful to traditionally used foraging sites and this is not one of them.

- Twite foraging sites are generally within 2km of their nest sites (this site is outside that distance from the nearest colony) and they favour hay meadow. Hay meadow, with a very specific range of plants as twite feed on their seeds, is a critical habitat for their survival. The development site is not hay meadow (it is horse grazed) and is very much sub-optimal habitat for twite.
- Both peregrine falcon and merlin may range much more widely from the SPA to feed (on other birds) but this site is not in any way critical or significant to their survival.
- Much of the functional habitat used by other species (such as short-eared owl) is adjacent to and contiguous with the SPA (Lingards Road is not) or, they will hold territory entirely within the SPA boundaries during the breeding cycle.

For these reasons the ecologist for the council, who has assessed the gathered evidence relating to the site and its ecology, as the Competent Ecologist for the Local Authority concludes that the development site in question is not in any way relevant or functional to the South Pennine Moors Phases 1 and 2 Special Protection Area and **will not therefore have a significant effect on the SPA. Consequently, bearing in mind the steps outlined above which specify the appropriate assessment requirements for sites which may impact on a European site there** is no requirement to enter into the process **of making an appropriate assessment in this case.**

It should also be noted that there is no expectation from Natural England, according to the information relating to SSSI Risk Zones, for them to be consulted on residential developments at this site.

B.- Publicising the landscape assessment

objector states

“The “landscape” report/assessment referred to in the officers report has never been published on the Council’s website and, other than verbally at the committee hearing (which no-one knew about anyway) there has never been an opportunity for the public to comment on it. I have previously and specifically requested in writing that this report should be published on the planning website as part of the application documentation / consultee responses and that the public should be given the opportunity to comment on it. Sadly it was not published on the website and the public have not had the opportunity to comment on it – AT A TIME WHEN THE PUBLIC COMMENT COULD INFLUENCE THE OUTCOME”.

Response:

The Council’s Landscape Architect was consulted on the application and undertook a Landscape Assessment. The consultation response was received on 29th September and posted onto the website on 1st October under “Consultations” with all other consultee responses. It has been publicly available to view on the website since 1st October and the Sub-Committee report makes detailed reference to it in the assessment of the application.

The Sub-Committee report itself was also available to the public on the website, five days in advance of the Committee meeting on 15th October. This was both within the specific planning application record for 2014/93946 and in the Agenda for the meeting itself. This allowed opportunity for the public to comment on it should they have wished to do so. Any objections/correspondence received in relation to this would have then been reported in the update which is finalised a day before the committee meeting, in this case on 14th October.

In reply to this the objector on 21st October stated:

“By your own admission the landscape assessment was posted on the Council website on 29th September. If I remember the closing dates correctly, this was 6 (six) days AFTER the closure date for public comment. The public have therefore not had the opportunity to formally comment on this landscape report – ESPECIALLY AT A TIME WHEN THEIR COMMENTS COULD INFLUENCE THE OUTCOME. This is a fundamental requirement of public consultation”.

Response:

The Landscape Assessment was posted on 1st October and not 29th September. This was in fact after public consultation end date. However, as stated above this is a consultee response and in no way precludes anyone commenting on it at any time. More importantly, as stated above, had any correspondence been received after this date, it would have been reported in the Committee update, which is general practice and not out of the norm on many other applications being considered at Committee meetings.

On 4th November in relation to the above issue the objector made further comments stating:

“That there has been no opportunity for the public to respond to the landscape report, before closure of the Consultation period. In fact I find it quite disturbing that the consultation closure date was changed at the very last minute from 23rd September to 1st October, to try gloss over the fact that the landscape report was not posted on the website until 1st October. Even so, it still doesn't make the process right or lawful”

Response:

The public consultation date was in fact amended on two separate occasions. The first was on receipt of additional information in the form of an extended Phase 1 Habitat Survey report which was received on 28th August 2015. Neighbour notification letters were sent out by post on 4th September allowing a further 21 days for public to comment by 25 September 2015. Subsequent to this, the applicant amended the description of the proposals, to omit any reference to the number of units. In light of this site notices were posted on 10th September, with a publicity end date to 1st October, hence the change, to the publicity end date. It is important to note the publicity consultation end date relates only to the any timeframe in which the application has been publicised or re-publicised by the Council. The public consultation end date does not relate to receipt of consultee responses, which the landscape assessment is, as carried out by the Council's Landscape Architect.

C. Sustainability of the proposal, including drainage:

objector states

“The proposed development is not sustainable on multiple counts. However, at this point I will only specifically note that the developer has failed to prove that the existing land drainage and projected surface water run-off from the developed site can be satisfactorily managed. As a retired Chartered Engineer with (at one stage) Management responsibility for drainage issues across Kirklees, Calderdale and Wakefield I am better positioned than most to advise you that the development cannot be satisfactorily drained and it is therefore not deliverable -- no matter how many planning approvals are granted. The developer may not have been seeking approval of drainage details today but it is incumbent on the Council, even at this stage, to ensure that the development is sustainable and deliverable before granting outline approval. The reality is that it is neither”.

Response:

On the issue of sustainability the Officers assessment in the report to Sub-Committee addresses this concluding that the development of this site is, in principle, sustainable. In terms of drainage issues, consultation was undertaken with three drainage bodies namely the Environment Agency, Yorkshire Water and the Council’s own Flood Management and Drainage Team. The committee report appended to this report considers the drainage issues on this site in detail. The proposals are submitted in outline only, seeking the principle of developing this site and point of access. Whilst acceptable in principle, conditions are imposed to address drainage issues. There are no fundamental objections to the development of this site on drainage grounds.

In reply to this the objector on 21st October stated:

I accept that this may not be the right time to debate the question of wider sustainability and my comment regarding lack of sustainability was more to emphasise the wider inappropriateness of your planning “decision” last Thursday, than to engage in debate on the issue. However I must continue to point out that the site is not sustainable for a number of reasons and that you have not given appropriate or collective weight to the many arguments against the development.

The on and off-site drainage problems are critical to the principle of development, because they are extremely complex and concern safety issues and deliverability of the site, as well as sustainability. As far as I am aware THERE IS NO VIABLE DISCHARGE POINT FOR THE SURFACE WATER RUN-OFF from the proposed development. It is simply not appropriate to connect surface water run-off in to the old inadequate field drains that service the site at present (they are NOT watercourses but are, perhaps rather misleadingly, described as such in the various documents). It is also not viable to connect the surface water run-off to the combined sewer system and it is not viable to construct a new surface water sewer down to the River

Colne because of the intervening public cemetery and almost vertical slopes adjacent to the river. In the absence of any sustainable drainage proposal, the developer has “thrown in” a number of possible drainage solutions that have not even been cursorily investigated and have no basis in fact. They are totally impractical and undeliverable. For example he has indicated that he could attenuate run-off from the site by the use of over-size pipes to provide on-site storage. This might be an acceptable drainage solution in “flatter” areas but it is not a practical or safe option for this site because it is on a very steep hill-side. Any “over-topping” once design flows have been reached, or due to blockage of the “storage control point”, would cause severe fast “flowing” overland flooding directly through residential properties fronting on to Manchester Road. The developer has also completely ignored at least one significant field drain that runs through the site, along with the technical and legal problems arising from demolition of the private spring water supplies to the adjacent farm. The land drainage and surface water run-off problems are so severe and critical to the viability of the whole development that it is simply not appropriate to deal with it as a condition on the planning approval. This is not a situation where the drainage problems can be resolved at detailed design stage and it is wholly inappropriate to deal with it as a planning condition. I should perhaps add that the combined sewer in Lingards road is also heavily overloaded. I have numerous photographs of foul sewage flowing out of the manhole covers during storm conditions at the junction of Lingards Road and Yew Tree Lane. I have not put this foul sewer flooding information forward previously as the developer has not yet proposed a connection to the sewer in Lingards Road. I mention it now in case anyone does mistakenly think it is an option. I repeat that I do have substantial drainage experience and would be accepted in any court of law as a drainage expert.

Response:

Officers acknowledge this is a complex site and following a number of site visits by officers, a number of covered and uncovered watercourses have been discovered in several locations in addition to those shown on OS plans. These appear to be in varying states of repair.

The Council’s own Flood Management and Drainage Officer advised the indicative layout submitted did not take into account the position of the interceptor trench and no details have been submitted indicating how this would be managed in relation to the submitted layout. In addition it is acknowledged, it was not made clear how the applicants proposed to accommodate attenuation in relation to plot layout. Officers are knowledgeable and understand diversions of these systems will not be simple and blockage and exceedance scenarios, i.e. where water will go if it emerges at the surface also has to be determined prior to layout design. This advice has been provided to the applicant and drainage consultant working on this project. The submitted layout does not now form part of the application and the only detail submitted for approval is the point of access.

The Council’s Flood Management and Drainage Officer also advises, contrary to the objector’s statements, that a potential outfall has been identified that

would not involve the cemetery or connecting to any system mentioned in the Objector's response and that discharge rates will be smaller than envisaged in the consultants submissions.

In light of the above, neither the flooding and drainage assessment accompanying the application nor the indicative layout are acceptable; as set in the Officers assessment/ report to Members on the 15th October Agenda. Moreover, the report recommends, following the advice of three drainage bodies, that comprehensive detailed drainage investigations and proposals, relating to both existing and proposed systems of surface and foul drainage along with all watercourses on site, are required as part of any detailed application. Any drainage proposals submitted will be scrutinised thoroughly and the proposed layout of the development would have to be informed by the drainage proposals for the site. This issue can be addressed by appropriately worded conditions as set out in section 8 of this report.

It is considered that drainage issues are capable of resolution by condition and that whilst this might delay implementation, so preventing the early achievement of the economic and social benefit of the scheme, it would still constitute a sustainable development.

Conclusion

The report to Sub-Committee on 15th October 2015 concluded that the development would constitute sustainable development. The report took into account the policies set out in the NPPF which, taken as a whole, constitute the Government's view of what sustainable development means in practice. The application was assessed against relevant policies in the development plan and other material considerations. The report now put forward for Members has considered and addressed in more detail objections received subsequent to the meeting. This does not alter officers' conclusion in the original report that the development would constitute sustainable development.

5. Implications for the Council

N/A

6. Consultees and their opinion

See report to Planning Sub-Committee (Huddersfield) on 15 October 2015, the update, and information in section 3 of this report.

7. Next steps

Officers recommend that having brought the matter back to Committee for the reason set out in section 2, and having taken into account and addressed the objections received, that Members note the objections and issue the decision notice in line with the recommendation and subject to the revised conditions set out in section 8 below.

8. Officer recommendation and reasons:

For the reasons set out in the report to Sub-Committee on 15th October 2015 and taking into account the information provided in this report officers recommend:

GRANT CONDITIONAL OUTLINE PLANNING PERMISSION

1. Approval of the details of the, appearance, scale, layout and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the, appearance, scale, layout and landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters.

5. The development shall be carried out in complete accordance with the recommendations set out in Section 5 of the extended Phase 1 Habitat Survey by SLR Global Environmental Solutions reference no. 424.04328.00004 dated December 2014.

6. Details of landscape submitted pursuant to conditions 1 and 2 shall include a full ecological/biodiversity mitigation and enhancement measures plan (BMEP). This shall include the:

- retention of the existing open water course ,
- retention of parts of the existing areas of rich grassland and trees, and
- bird nesting features in the form of wooden or woodcrete nest boxes integral to new dwellings or to be located on trees within the site,
- issues set out in Kirklees Ecology & Biodiversity officer's consultation response dated 11th September 2015, and
- a phasing plan
- details of a maintenance

The development shall thereafter be carried out in complete accordance with the approved BMEP. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.

7. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of

affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

8. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

9. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority

10. Development shall not commence until a scheme detailing the layout, construction and specification of the highway works;

- a) at the site access junction with Lingards Road (with reference to drawing no. 7364/001 Rev A); and
- b) on-site and off-site improvements at PROW Colne Valley public footpath 133;

together with all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained.

11. Before development commences a scheme for the provision of an information pack, detailing local bus and rail services and the availability of local services and facilities and Residential Metro Cards for first time occupiers of each dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for their provision. Thereafter the development shall be undertaken in accordance with the approved scheme.

12. No development authorised by this permission shall commence until a detailed scheme for the improvement of bus stops nos. 19383 & 19384 to provide sheltered bus stops has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with Metro's guideline document – "Bus Stop Infrastructure Guidelines and include:

- details of how the kerbs at the aforementioned stops will be raised to a height of 180mm,
- seating, lighting, and
- bus timetable information
- a timetable for the implementation of the improvement works to be carried and completed.

The development shall thereafter be undertaken in accordance with the approved details and timetable for implementation and completion.

13. The development shall not be brought into use until visibility splays of 2.4 m x 68 m and 2.4 m x 60 m along Lingards Road at the site access junction as indicated in drawing no 7364/001 Rev A in which there shall be no obstruction to visibility above the level of the adjacent carriageway as indicated on the approved plan have been completed. Thereafter, visibility splays as specified above shall be retained.

14. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

15. Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to the existing highway shall be submitted to and approved by the in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained

16. Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed. The electric vehicles charging points so installed shall thereafter be retained.

17. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the

local planning authority.

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

19. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

20. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority

21. Any reserved matters of 'layout' of the site submitted pursuant to conditions 1 and 2 shall be accompanied by the following drainage information:

- a. a detailed survey of existing drainage systems (including the location, size, depth and condition of all existing watercourses including, pipework, wells, trenches and drainage apparatus/infrastructure) within the site and how they connect to adjoining off-site drainage networks;
- b. a scheme to manage flows in channel, exceedance events and blockage scenarios (overland flow) for on site systems and the surrounding area in both directions and flood risk associated with the systems identified in a. (above) along with above ground flow routes. Exceedance routes should avoid property and curtilage areas;

- c. details of existing drainage systems to be maintained/diverted/abandoned ;
- d. a scheme detailing separate systems of foul and surface water drainage for the development, including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision
- e. a detailed maintenance and management regime for the existing drainage systems to be maintained/diverted/abandoned together with the proposed foul and surface drainage water systems for the proposed development with appropriate stand off distance.
- f. a flood risk assessment of the site based on a., b. c and d, e (above).

The resultant drainage information referred to in a., b., c., d., e and f. shall inform the layout of the site and shall include appropriate stand-off distances between drainage infrastructure and buildings within the site and appropriate measures for flood risk management.

22. The development shall be carried out in accordance with the drainage scheme approved pursuant to condition 21. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the works comprising the approved scheme have been provided on site. The works comprising the approved scheme shall thereafter be retained and the approved maintenance and management regimes adhered to at all times.

23. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to an unnamed watercourse located in Manchester Road (Grid Ref 407162, 413367) at a maximum rate of 5 *litres per second* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to the critical1 in 100 year storm events with a 30% allowance for climate change and incorporate overland flood routing for exceedance events and blockage scenarios with appropriate risk mitigation strategies. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed . The approved maintenance and management scheme shall be implemented in perpetuity.

24. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.

- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and
- how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

NOTE: A full, detailed planning application should incorporate the recommendations as set out in consultation response in Section 11 of the Local Landscape Character Assessment from the Councils Landscape Architects.

See link below to advice from the Councils Landscape Architects Officer:
http://www.kirklees.gov.uk/business/planning/application_search/filedownload.aspx?application_number=2014/93946&file_reference=558178

NOTE: The development will require regrading/engineering operations to be undertaken. Where a site could be affected by land stability issues you are reminded that it is the responsibility of the developer/landowner for securing a safe development.

NOTE: The Colne Valley public footpath no. 133 which crosses/abuts the site shall not, at any time, prior to, during or after construction of the dwellings, be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE: Adequate standoff of buildings from the open watercourse should be agreed with the Lead Local Flood Authority. This is to ensure maintenance access and reduce risk of flooding.

NOTE: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 414700) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Adoption under Section 38 of the Highways Act:

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or 01484 221000 or 'Highways.Section38@kirklees.gov.uk') must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-225397 for further advice on this matter.

NOTE: Advice to applicant

A full, detailed planning application should incorporate the principles of *Secured by Design* in its layout, including boundary treatments, external doors, windows at ground floor and other accessible levels should meet with recognised security specifications and adequate surveillance of the footpath. The measures included in the build should accord with current *Secured by Design* guidance www.securedbydesign.com

See link below to advice from the west Yorkshire Architectural Liaison Officer: http://www.kirklees.gov.uk/business/planning/application_search/filedownload.aspx?application_number=2014/93946&file_reference=530748

NOTE: This site is close to other existing residential properties. Please apply the following footnote regarding hours of construction:

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or public holidays
In some cases, different site specific hours of operation may be appropriate.

Under the control of pollution act 1974, section 60 Kirklees environment and transportation services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

NOTE: Please note that the granting of planning permission does not overrule private legal rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works as construction and maintenance may involve access to land outside your ownership.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	1419-100		6 th Jan 2015
Existing site levels	1419-103		6 th Jan 2015
Indicative site block/layout plan	1419 -101	A	6 th Jan 2015
Proposed new priority junction	7364/001 prepared by CODA Transportation	A	20 th March 2015
TRICS output for buses	Dated 13/03/15 Licence no. 849401		20 th March 2015
Extended Phase 1 habitat survey	Ref: 424.04328.00004		26 th August 2015
Access Statement	7364		6 th Jan 2015
Phase 1 Environmental Assessment	7364		6 th Jan 2015
Flood & Drainage Assessment	7364		6 th Jan 2015
Planning Case Report			6 th Jan 2015
Statement of community involvement			6 th Jan 2015
Design & Access Statement	1419.3a		6 th Jan 2015
Kirklees Ecology & Biodiversity officer's consultation response dated 11 th September 2015,	By Jeff Keenlyside dated 11/09/15		11 th Sept 2015

8. Cabinet portfolio holder recommendation

Not applicable

9. Contact officer and relevant papers

Simon Taylor – Head of Development Management

Documents referred to:

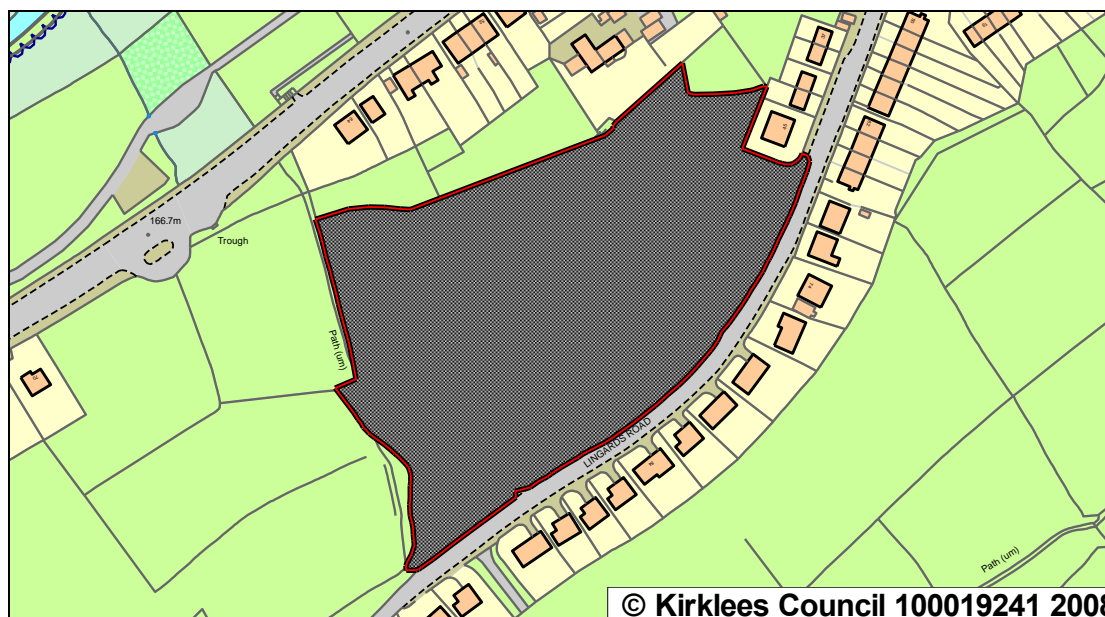
Appended to this report at [Appendix 1](#) is the report to the Huddersfield Planning Sub-Committee on 15 October 2015 in relation to planning application reference 2014/93946.

[Appendix 2](#) is the update in relation to planning application reference 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015

Appendix 3 is a copy of the resolution for planning application 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015

APPENDIX 1 - Report to the Huddersfield Planning Sub-Committee on 15 October 2015 in relation to planning application reference 2014/93946

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

The application seeks outline planning permission for the erection of residential development. Other than details of point of access all other matters are reserved. It is proposed to access the site from the existing gated access off Lingards Road via a new priority junction, at the eastern boundary of the site.

The site is allocated as Provisional Open Land (POL) on the Council's Unitary Development Plan. Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years, and in accordance with the National Planning Policy Framework (NPPF) relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a

whole, or that specific NPPF policies indicate development should be restricted.

The proposal constitutes sustainable development. The application site can be accessed safely in highway terms and there would be no significant harmful effect on visual amenity. All other material planning considerations, relevant UDP and national planning policy objectives are considered to be addressed, subject to conditions.

RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE AT THE END OF THE REPORT, AND**
- ii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought before the Huddersfield Sub Planning Committee as the application represents a departure from Policy D5 of the Kirklees Unitary Development Plan for a development of less than 60 dwellings.

3. PROPOSAL/SITE DESCRIPTION

The application site comprises approximately 1.78 hectares of horse-grazed fields, largely divided by dry-stone walls with an open watercourse running through the northern part of the site and an existing gated access off Lingards Road. Land levels vary across the site but typically slope downwards to the north towards the rear of properties off Manchester Road. The site is surrounded by predominately residential dwellings to the north, (including a detached listed building), east and south with open land towards the west. A public right of way runs parallel to the western boundary, which in part cuts through the site. The site is allocated as Provisional Open Land on the Unitary Development Plan Proposals Map.

Outline planning permission is sought for the erection of residential development with details of the point of access into the site, utilising the existing gated access from Lingards Road. This is shown on drawing no. 7364/001 Rev A.

An indicative layout has been submitted that shows the arrangement of up to 27 dwellings, via the proposed priority junction off Lingards Road, together with an area of public open space in the south west corner of the site, landscaping and retention of the existing open water course.

4. BACKGROUND AND HISTORY

None

5. PLANNING POLICY

The site is unallocated on the Unitary Development Plan Proposals Map

Kirklees Unitary Development Plan:

D5 – Provisional Open Land
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
EP3A – Culverting of watercourses
NE6 – retention of water features
T10 – Highway Safety
T16 – provision of safe, convenient and pleasant pedestrian routes
T19 – Off-street parking standards
G6 – Land contamination
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
EP11 – Ecological landscaping
R13 – proposals affecting public rights of way

National Planning Policy Framework:

‘Achieving Sustainable Development’
‘Core Planning Principles’
Section 6 – Delivering a wide choice of high quality homes
Section 7 – Requiring good design
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment
‘Decision taking’

Other Policy Considerations:

Manual for Streets (2007)
K.C. Policy Guidance: ‘Providing for Education Needs Generated by New Housing’
K.C. Supplementary Planning Document (SPD2) – ‘Affordable Housing’

6. CONSULTATIONS

K.C Highways Development Management – No objections subject to conditions and a S106 agreement

K.C Environmental Services – No objections subject to conditions

K.C Conservation and Design – No objections

K.C Ecology & Biodiversity officer – The ecological survey has established that although much of the site is of limited value there are areas of more species rich grassland, trees and areas of scrub worthy of conservation. Also there is scope to extend these habitats within the site as part of the development. Although not used by any protected species the open water habitat of the stream is a significant feature of the site and this should be retained within the development. The Council's Ecologist advises the intensity and layout of the development should be informed and determined by the site's biodiversity interest.

On this basis there is no objection to the proposed development providing, as recommended, a full biodiversity mitigation and enhancement plan, in the context of the above, is produced and implemented as part of the development scheme.

K.C Flood Management and Drainage – Diversions and overland exceedance flow routes should avoid curtilage areas. Depths of such systems in relation to road construction could be problematic and needs careful consideration. Diversions of the existing ditch could prove difficult (levels) and result in greater risk to existing properties below. Location near footpaths will have some issues that need mitigating. An analysis of safety should therefore be submitted along with a report to be submitted clearly detailing the design process taking this into account. A suitable watercourse management plan and exceedance event/blockage risk mitigation scheme should be defined prior to considering layout. It is not certain that 30 houses can be accommodated safely on site although we do not object to the principle of housing.

The Environment Agency – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

WY Police Architectural Liaison Officer – concerns over indicative layout & general advice

K.C Strategic Housing – An affordable housing contribution is required

K.C. School Organisation & Planning – based on the indicative layout, which is in excess of 25 dwellings an education contribution would be required.

K.C Landscape Architects – The area is low quality grassland mainly used as paddocks for horses grazing. The condition is weak to moderate, with field boundaries defined by dry stone walls and sparse hawthorn hedgerow. Having considered all the information submitted by both the applicants and the objectors the KC Landscape view is that whilst the site is of medium landscape value it could accommodate the housing development although there should be a full range of landscape conditions ensuring the highest standards of landscape design, enhancement and mitigation with sensitivity toward landscape value. The new public open spaces and green corridors

are key to the success of assimilating the new housing into the landscape and minimising the effects on the setting. On this basis we have no objection to the proposed development providing that a full enhancement plan and mitigation strategy is produced and implemented as part of the development scheme. (See assessment below)

K.C. Parks & Open Spaces – proposals would require appropriate on site POS and an off site contributions to existing equipped play facilities in the vicinity at Springfield Avenue

7. REPRESENTATIONS

The application was advertised by neighbour letter, press notice and site notice. The final publicity period for amended description and extended habitat survey, expired on 1st October.

As a result of that publicity 21 representations have been received. The main concerns raised are as follows:

- Introducing more traffic/cars on Lingards Road and surrounding highway network increasing highway safety concerns and exacerbate existing highway safety issues for both pedestrians and vehicle users
- New junction from estate road onto Lingards Road will have poor visibility to the right
- Existing properties on higher section of Lingards Road will impose on new housing.
- New dwellings will over look properties on Manchester Road
- Plans show linking new pedestrian route within site to footpath on Lingards Road. There is no footpath outside no. 92 Lingards Road
- Wildlife has not been taken into account and would result in a wildlife area on edge of habitat of open moorland
- Loss of greenfield site/ encroaching into country side with substantial visual impacts over a wide area and extend urban growth
- Drainage issues would increase the already excessive surface water on surrounding highway network
- Site contains a number of springs and ancient well house/ drainage a major problem and existing drains cannot cope. Drainage proposals for site may need to be taken directly across Manchester Road and into the river.
- Impact on listed building

Concerns are also raised by the Lingards Community Association (LCA) which it is stated to be made up of approximately 260 residents. Their concerns are summarised below:

- Special considerations apply in the Southern Pennines National Character Area 36 in which the site falls.
- The proposed development is not sustainable.
- The development is not consistent with the publicly funded IMSACAP Programme.

- Ministerial guidance to Planning Inspectorate on importance of landscape character is relevant (received 11th May 2015 from Mr Bamforth)
- Visually intrusive development on a steep rural hillside is unsustainable.
- Access to the site from Lingards Road is completely unworkable and unacceptable.
- Conflict with school traffic.
- There would be substantial ecological damage to rare habitats and species.
- Inadequate Drainage
- Privacy Impact on new residents and existing properties on Manchester Road
- Impact on Listed Buildings.
- Nearby school and doctors surgery already over-subscribed
- do not believe that the extended phase 1 Habitat Survey report gives an accurate picture of the ecological importance of this site, as a feeding ground for birds
- will form a wildlife barrier between to valley bottom and the higher valley slopes.

The LCA also state the applicant should submit further information in relation to:

- full landscape impact assessment
- ecological and habitat impact assessment, incorporating the Peak District National Park, South Pennines SPA and the IMSACAP programme.
- a fuller, more accurate and honest assessment of the traffic impact
- further information about deliverable off-site drainage options
- further information about his plans to develop the adjacent green belt
- a full comparative economic and technical analysis of the two options for site vehicular access – meaning access via Lingards Road and/or directly on to Manchester Road and
- Provide categoric assurances that the proposed housing numbers would not be increased at detailed planning stage.

Response: the application is submitted in outline with details of point of access to be considered only at this stage. A full landscape assessment taking into account all representations from the Lingards Community Association, the Peak District National Park, South Pennines SPA and the IMSACAP programme has been carried out in depth. Where appropriate conditions have been imposed to address and overcome issues raised by consultees.

8. ASSESSMENT

General Principle/Policy:

The application site includes land designated as Provisional Open Land (POL). Policy D5 of the UDP states that *“planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term”*

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will also be the vehicle to assess whether there are exceptional circumstances to return POL sites back Green Belt or whether they may be suitable for allocation as Urban Greenspace. However, the local plan process is underway and it is still some way from being sufficiently advanced to carry any weight in decision making for individual planning applications. The LPA must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.

In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.

The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

“The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”

NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.

Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.

The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*” (paragraph 8). The ‘economic’ role includes providing support for growth and development requirements. In this case this includes business opportunities for contractors and local suppliers during construction and demand for services from new residents. The ‘social’ role states the need to support communities by providing housing to meet the needs of present and future generations. This is particularly at a time of general housing need given the Council is unable to demonstrate a 5 year supply of housing land. The ‘environmental’ role includes contributing to protecting and enhancing the natural, built and historic environment. Although the proposal would develop a greenfield site, where national policy encourages the use of brownfield land for development, it also makes it clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

As such, in the absence of both a five year housing supply and provided there are no significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site is considered to be acceptable.

There have been strong views expressed about the adverse impacts of this development by a significant number of representations opposing the application. The following sections detail these issues and conclude that development, does not give rise to significant material planning harm which can be substantiated as a reason for refusal.

Assessing the policies in the national planning policy framework as a whole in accordance with the paragraph 14 test, the provision of housing on this greenfield site, outweighs the environmental harm arising from the development and the proposal is considered to be sustainable development.

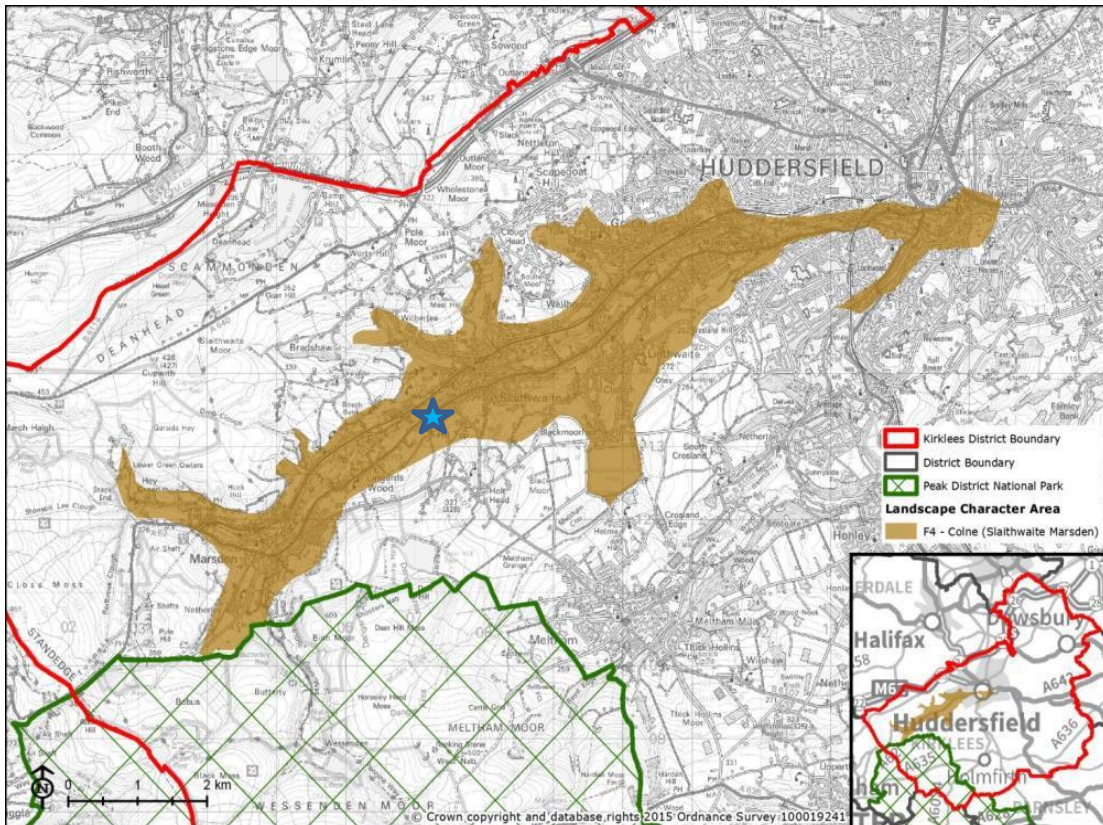
Landscape & Visual amenity:

The best practice guidance, Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) should be used as a basis for assessment of the site. The methodology used has been agreed with the Council and is based on the guidelines given by GLVIA 3

The information submitted by the applicant, together with representations on behalf of Lingards Community Association, who make particular reference to the landscape impact of the proposals within National Character Areas 36 and 51 (South Pennines and Dark Peak) have been considered by the Council’s Landscape Section.

Addressing the submitted information regarding National Character Areas 36 and 51 (South Pennines and Dark Peak) the Landscape Section confirm that

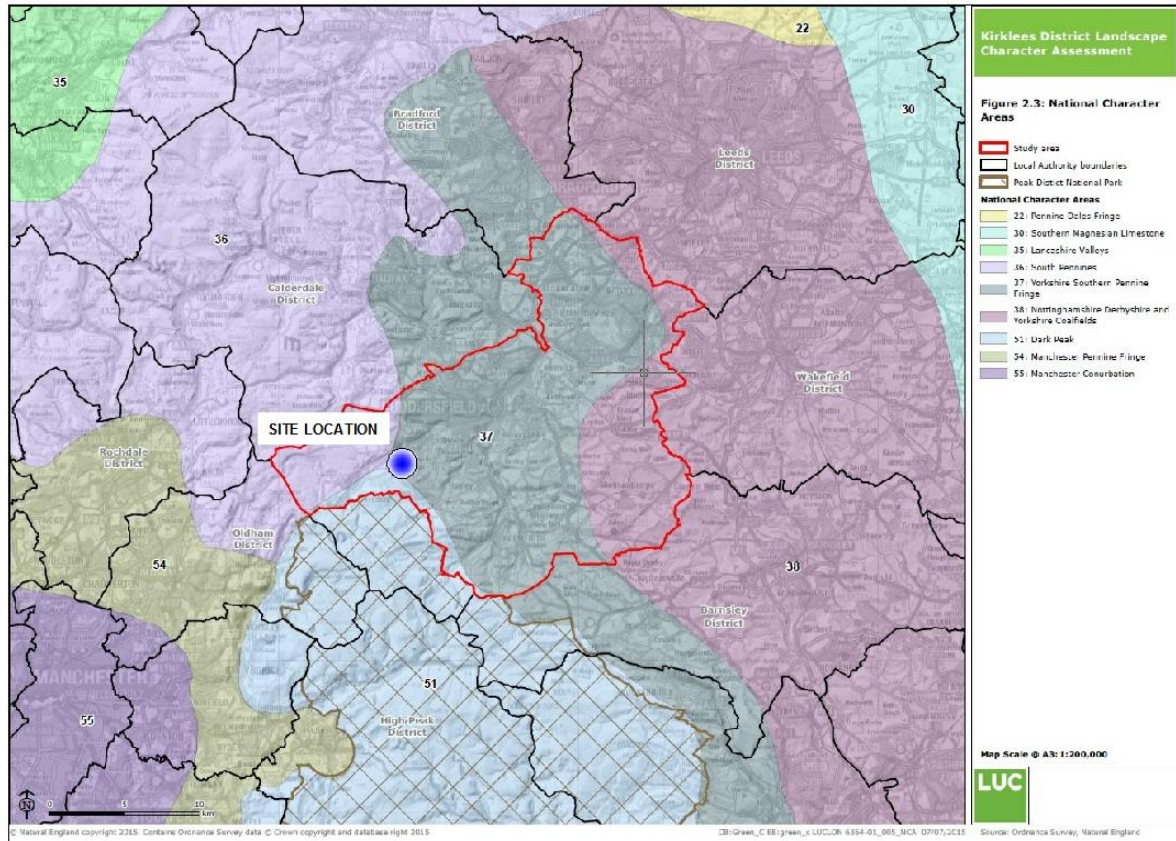
this area is situated in the Colne Valley on the fringes of the existing residential development along the A62 and Lingards Road, west of Slaithwaite village centre, Huddersfield. It lies within the Kirklees Character Profile Area LCA F4: Colne (Slaithwaite, Marsden) and borders LCA D7: Peak Fringe Upland Pastures (below).



It is part of a greater area of land that has been identified as part of the strategic housing land availability assessment (SHLAA) which runs to the west of the site and also falls within a large area of Green Belt within Kirklees UDP.

There are no landscape designations for this site, although the application site lies within approximately 3km of the Peak District National Park, and is located at the zones of transition with NCA 36: Southern Pennines, 37: Yorkshire Southern Pennine Fringe and NCA 51: Dark Peak, as illustrated

below:



The application site is adjacent to a semi-rural urban fringe bounded to the north, east and south by residential properties and forms one of the pockets of countryside around the settlement of Slaithwaite.

The application site is within a zone important for species including bats, swifts and twite. The application site is associated with the existing residential areas, bordering it. Public access is limited to the public footpath. The PROW [COL 133/10] follows very closely the border of the site to the west, forming a link from Lingards Road to Manchester Road a section of which falls within the application site boundary. The site is currently used for horse grazing. Slaithwaite Cemetery is located to the north, bounding the northern side of the A62

The methodology for the Landscape Character assessment consisted of two main tasks; First, a desk –based review of mapping, GIS data assets and available descriptive information for the application site. Second, a field survey verification to check and add information to the findings of the desk based study. A landscape evaluation detailing valued landscape features and attributes was drafted for the site. Thereafter a Landscape Character Assessment was undertaken using the following criteria, with reference to any local regional or national designations of relevance.

Past settlement:

When considering the likely influence of future development within this area, account is taken of an historic appraisal illustrating the following:

Settlement hasn't altered much since the 1900's within this area. As stated in the Kirklees LCA F4 'Dense ribbons of urban and industrial development line the valley floors and sides. There are rows of Victorian terraces lining the road and the valley sides.' Proximity of the urban centre together with the main transport route, the A62 exerts an influence on landscape character on this site and the urban fringe land use is evident.

The individual elements of the landscape & visual amenity are summarised as follows:

Visual Character:

The visual character is one of a sloping valley side with extensive views across the valley towards the north and views restricted to the south by the residential properties which line Lingards Road and overlook the site.

Described in the Kirklees LCA F4 Outward views from within the valley to the pastures, woodlands and moorland edge above are:

- sometimes available, providing a rural setting. The site is a small scale well settled landscape with a semi-rural setting due to the proximity of the surrounding dwellings.
- There is no tree cover. A few isolated trees, mainly mature hawthorn are interspersed along the boundary and within the site.

Enclosure and views from Lingards and Manchester Road:

- Dry stone walls provide the boundary and cross through the site as field boundaries. Views to the south are limited by inclining valley side and residential development to the southern side of Lingards Road. Wider views to the north span the Colne Valley which traverses west to east.
- This is a small scale, contained landscape with open views toward the north to the pastures, upper hay meadows and woodland along the river, canal and railway line and across the Colne Valley provide a rural setting.

Settlement and buildings:

- The area is bounded to the north, east and south by residential development dating from early 1900's to modern day

Transport, access and road pattern:

- The area is accessible via Lingards Road, which is only in use by farm vehicles and horses.
- The main transport routes follow the valley landscape, primarily the A62 which is the key route into Huddersfield towards the east and

crosses the Pennines to the west heading towards Manchester. Residential properties form linear settlements along the A62, their rear gardens bounding the site to the north and access to the proposed new development, is anticipated as being via Lingards Road which bounds the site along its southern boundary, also lined by dwellings overlooking the site.

Landscape condition:

The area is low quality grassland mainly used as paddocks for horses grazing. The condition is weak to moderate, with field boundaries defined by dry stone walls and sparse hawthorn hedgerows

Conclusion:

The application proposals are outline and seek to establish the principle of developing this site for housing together with details of point of access. As such there are no details with regard to the building or landscape proposals. Future design will need to ensure a sensitive approach to reflect the character of the surrounding area and incorporate mitigating elements to filter views and minimise the impact of the development.

In terms of scale, notwithstanding the indicative layout, it is expected that the majority of dwellings within the site should comprise two storey units, as can commonly be found within the immediate surrounding area. However, this would require further consideration at detailed stage, taking into account the final layout and proposed finished levels of the site and surrounding context. Officers consider that building materials should be carefully selected to aid integration with the surroundings and character of the area. Officers consider low density development, with generously proportioned areas of amenity landscaping, screen planting or public open space incorporated into the design where appropriate would be key to the success of assimilating the new housing into the landscape and minimising the effects on the surrounding setting.

Dwellings should be set back from undeveloped boundaries and the use of existing landform and topography with the creation of bunds or mounds together with mitigating structure planting to soften outlines of the new built form should be incorporated. Notwithstanding the indicative layout which shows this together with a non active frontage to Lingards Road, this will be a key consideration on any detailed application.

The location and setting of vehicular access, parking, garages and bin store locations requires sensitive design to ensure unobtrusive inclusion, avoiding swathes of paving and hard landscaping. The effects of development can be mitigated, should the development proceed with the following measures:

- Existing trees retained and incorporated into the design where appropriate.

- Substantial, sensitive design and appropriate planting incorporating native species and ensuring the maintenance and development of green corridors throughout the site.
- Creative use of the existing water feature to improve and enhance the existing biodiversity with inclusion of species rich grasslands, native hedgerows and native tree and shrub planting having particular regard to the topography of the site and the surrounding built environment.

Having considered all the information submitted by both the applicant and the objectors, the KC Landscape Officers consider that in accordance with the methodology suggested by the GLVIA, the degree of significance of effect in this assessment is 'medium'. If not carefully mitigated, the proposed scheme could be out of scale with the landscape, or would conflict with the local pattern and character, and would cause a moderate adverse effect on the landscape quality. However, the landscape could accept the addition of elements not uncharacteristic of the area if carefully designed with particular attention to be given to enriched landscape planting/open space and green corridors to minimise the impact of the new housing where possible in accordance with the good design criteria set out in the appendix 3 of the Local Landscape Character Assessment, at reserved matter stage.

Kirklees Council Landscape Architects view the site as clearly valued by the local community, and therefore view the effect will be 'Medium' contrary to the assessment of the substantial adverse effect in representations including those of Lingards Community Association.

To conclude the site could accommodate housing development provided the proposals incorporate standards of landscape design, enhancement and ecological landscaping mitigation measures in a sensitive manner towards landscape value as suggested above.

With reference to the Public Open Space (POS) and in accordance with UDP Policy H18, the site is over 0.4ha and as such would require appropriate on site public open space provision. Officers do not anticipate on site equipped play as there are existing equipped play facilities in the vicinity including Springfield Avenue to which an off-site contribution would be anticipated if POS is not provided on site. Off-site contribution would help ensure the existing play area on Springfield Avenue is appropriately equipped facility to serve new and existing residents, with broader requirements for through-age play provision from toddlers to teenagers and contribute to its future sustainability.

Turning to the Public Right Of Way (Colne Valley public footpath 133), linking Lingards Road to Manchester Road, on-site and off-site improvements will be required. Any proposed scheme of works would require improvements to this link to ensure it is adequate for users of the PROW. This should be a sensitive design to enhance the character of the PROW treatment and to mitigate the medium adverse impacts of the development.

On this basis there are no objections to the proposed development provided that a full enhancement plan to include landscape design and mitigation measures is produced and implemented as part of the development scheme.

Impact on highway safety:

Policy T10 of the Unitary Development Plan (UDP) sets out the matters against which new development will be assessed in terms of highway safety. Access, in this case the point of access from Lingards Road is a matter sought for approval.

It is proposed to access the site via a new priority junction from Lingards Road. Drawing no. 7364/001 Rev A prepared by CODA Transportation shows the proposed access arrangements including a 5.5 m wide carriageway and 2.0 m wide footway at either flank of the access road, which extend along Lingards Road at the site access junction. Drawing 7364/001 Rev A demonstrates the suitability of the proposed access to accommodate turning manoeuvres for a refuse vehicle.

Drawing no 7364/001 Rev A indicates the width of Lingards Road ranges from 4.8 m to 7.3 m wide. In addition, the drawing indicates that visibility splays of 2.4 m x 68 m to the left and 2.4 m x 60 m to the right (commensurate for 41mph and 37mph speed respectively) can be achieved in both directions along Lingards Road at the site access junction. Therefore, visibility in both directions at the site access junction accords to current guidance is considered acceptable.

Trip generation

The Access Statement prepared by CODA Transportation on behalf of the applicant, indicates that the 27 dwelling development (as indicatively shown on the layout) is forecast to generate 22 two-way vehicle trips in the morning peak and evening peak. It is considered that the level of traffic associated with a development of this scale can be accommodated on the local highway network.

Cumulative traffic impacts are generally considered to arise from the combination of impacts from a proposed development and from other permitted developments (not yet constructed or yet completed) in the vicinity, acting together to generate elevated levels of impacts. Traffic impacts associated with proposed major developments of scale generally above 50 residential units, are assessed on the local highway network together with the traffic impacts from consented (including current planning applications) major developments within the vicinity of the site.

Traffic impacts from proposed developments of scale below 50 residential units are generally not assessed on the local network together with consented developments in the development's vicinity as it is considered that these impacts are taken into account within local traffic growth forecasts.

The indicative layout for 27 dwellings falls below the cumulative impact assessment threshold and the forecast trip generation in the morning and evening peaks is 22 two-way vehicle movements. On this basis Highways DM Officers considers that it would have been unreasonable to instruct the developer to carry out a cumulative impact assessment.

Access by sustainable modes

Public transport

Lingards Road is a bus route served by a regular service 938 with a daytime frequency of one service an hour. In addition, the site is located near bus stops along Manchester Road with frequent services 183, 184, and 185 which provide 4 – 6 services an hour to Huddersfield, Marsden, and Manchester.

Public transport enhancements are required to include the implementation of a residential Metro card scheme to encourage the use of public transport. This can be conditioned.

Pedestrian facilities

Improvements will be required on-site and off-site at Public Rights of Way (PROW) Colne Valley public footpath 133 to improve the experience of the users, in accordance with Policy R13. A scheme of works is to be conditioned including an improved link to Manchester Road as suggested previously.

In addition, the submission of a detailed scheme for the upgrade of bus stops nos. 19383 & 19384 to sheltered bus stops in order to improve public transport infrastructure in the vicinity of the site in accordance with the council sustainability objectives is recommended. This would also be addressed through a Grampian condition.

Other suggested conditions include the submission of a scheme detailing the layout, construction and specification of the highway works, including the site access junction with Lingards Road. Visibility splays of 2.4 m x 68 m and 2.4 m x 60 m are required along Lingards Road at the site access junction, and a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to the existing highway. A schedule for the means of construction traffic would also be required.

To conclude access arrangements accord with current guidance and are considered acceptable to serve a development of the indicative number of units proposed. It is considered that traffic generated by the proposal can be accommodated on the existing highway network and will have no material impact on the safety and operation of the network or significantly add to any peak time congestion, in accordance with Policy T10 of the UDP. On the basis of the above the proposals are considered acceptable and the Highways DM Officers have no wish to resist the granting of planning permission subject to conditions.

In terms of social inclusion and accessibility, the site is close to the local centre of Slaithwaite via Manchester Road which benefits from a range of

community facilities offering employment, leisure and retail opportunities and a post office, in a location near bus stops, with a regular bus services to Huddersfield, Marsden, and Manchester. The site is also in the vicinity of local schools and surgeries at Slaithwaite Health Centre. In terms of accessibility therefore the proposal is considered to be acceptable.

Design considerations:

A full assessment of the layout, scale and appearance of the dwellings would be made upon the submission of reserved matters. The indicative plan shows a mix of semi-detached and detached dwellings either side of a central access road but this is not for consideration as part of this outline application.

There is no predominant house type or materials in the area. Dwellings off Lingards road are a mix of stone and render faced 2-storey detached, semi-detached and terraced dwellings and those off Manchester Road are a mix of stone and render faced two storey and single storey properties, detached, semi-detached and terraced.

Conservation and Design note that they raise no objection to the application but would welcome the opportunity to comment on any reserved matters application, particularly to ensure the development does not significantly harm the setting of the nearby listed buildings to the north.

Officers consider that there is scope to secure details which would not harm the character of surroundings and which would give due regard to the desirability of preserving the setting of the listed buildings to the north in order to sustain the significance of these heritage assets. Officers are satisfied that an appropriately designed scheme could be brought forward at reserved matters stage.

The application red line does not extend to the full extent of this allocated POL, leaving a strip of land (north-west of the application site). This is shown in the applicant's ownership. As the proposals do not seek layout at this stage, it is considered the remainder of this allocated POL would need to be considered on within any subsequent reserved matters for layout, to avoid prejudicing potential future development of this wider POL allocation.

Impact on residential amenity:

UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. Properties off Lingards Road and Manchester Road have windows overlooking the site. The indicative layout, suggests an acceptable scheme could be brought forward which would meet the requirements of policy BE12 and would ensure there would not be material harm to the amenity of neighbouring properties as well as internally within site for the amenities of occupants of the new dwellings. Furthermore, it is considered that there are no insurmountable reasons why a suitably designed housing layout cannot

successfully achieve adequate separation distances and privacy/light safeguards, in accordance with the provisions of UDP Policies BE2 and BE12.

Ecological Issues:

UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by an ecological statement.

The report confirms the site consist of semi-improved pasture with some areas of marshy grassland, acid grassland and scrub. The timing of the survey was sub-optimal, particularly with respect to plants and birds which are the species groups most relevant for this site. Areas of grassland appear to have some interest and it is recommended that habitats are retained post development. The Council's ecologist advises further survey work during the spring and summer months should be undertaken to more accurately assess the site.

In light of the above advice, an extended Phase 1 Habitat Survey was submitted on 28th August 2015. The Council's Ecology & Biodiversity officer further advises that the survey establishes that although much of the site is of limited value there are areas of more species rich grassland, trees and areas of scrub which are worthy of conservation. Also there is scope to extend these habitats within the site as part of the development.

Although, the submitted ecological statement indicates that the open water habitat of the stream is not used by any protected species the open water habitat of the stream is a significant feature of the site and this should be retained within the development. No objections are raised to the principle of development across parts of the site, however the intensity and detailed layout of the site needs to take this into account and be informed by the site's present biodiversity interest along with measures to extend these habitats within the site. On this basis there is no objection in principle to the developing of this site, providing, as recommended by the Ecology & Biodiversity officer a full biodiversity mitigation and enhancement plan, is produced and implemented as part of the development scheme, taking account of the existing water feature and topography of the site, in accordance with Policy EP11 of the UDP and guidance in the NPPF

Contaminated Land:

Environmental Services agree with the Phase I contaminated land report submitted that a phase II report and remediation is required. This can be addressed through condition. Subject to this contaminated land issues are addressed in accordance with policy G6 of the UDP.

Contributions:

- a) *Education*

On the basis of the indicative layout provided, an education contribution of would be required. As this is an indicative layout only the education contribution would be addressed through condition and would be triggered for a development of 25 dwellings or over.

b) Public Open Space

The site is over 0.4ha and requires a public open space contribution in accordance with Policy H18. This is as set out earlier in the report.

c) Affordable Housing

UDP Policies H10 and H12 and the Councils Supplemental Planning Document (SPD2) set out the objectives for the provision of affordable housing. The number of houses to be provided is not known but based on the indicative layout an affordable housing contribution is required which can be secured through a Grampian condition with a Section 106 agreement to discharge the requirements of the condition prior to development commencing. Subject to this, affordable housing issues are addressed in accordance with policies H10 and H12 of the UDP and the SPD.

Crime Prevention:

The West Yorkshire Police Liaison Officer has made a number of comments / recommendations. These include concerns about additional footpath routes shown running to the rear of the house which does not promote good security; the positioning of habitable room windows to maximise surveillance to publicly accessible areas; the design of front gardens; and external door and window specifications. These matters which relate principally to layout and appearance would be addressed through the reserved matters application.

Drainage Issues:

The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

The site is located in flood zone 1 and due to the size of the site requires the submission of a Flood Risk Assessment. Additionally, there are watercourses running through the site including an open ditch watercourse. It is therefore necessary to ascertain that a suitable layout could be achieved whilst maintaining the open ditch watercourse and downstream riparian owners 'right to enjoy' this water. This includes an off-site investigation of the ditched watercourse (upstream and downstream) to understand how the site's development may affect this system.

Following a number of site visits by officers, a number of covered and uncovered watercourses have been discovered in several locations in addition to those shown on OS plans. These appear to be in varying states of repair. Details have been provided to the drainage consultant working on this project.

Further research is expected in order to fully understand their impact on the proposed development.

At this stage Kirklees Flood Management & Drainage Officers do not object provided that there is no commitment to approving layout of roads and properties and the number of properties at this stage.

Furthermore, the Flood Management & Drainage Officer states:

“a suitable watercourse management plan and exceedance event/blockage risk mitigation scheme should be defined prior to considering layout “we expect a report to be submitted clearly detailing the design process taking this into account”.

Diversions and overland exceedance flow routes should avoid curtilage. Depths of such systems in relation to road construction could be problematic and needs careful consideration. Diversions of the existing ditch could prove difficult (levels) and result in greater risk to existing properties below. Location near footpaths will have some issues that need mitigating. An analysis of safety should therefore be submitted.

With regards to the proposed drainage and given the uncertainty on the route and condition of the watercourse downstream of the open ditch across site, no proposed road or roof drainage should connect to this system.

There should be consideration of opening up other piped watercourses in discussion with our department as Lead Local Flood Authority given that planning policy encourages this. Should this not be seen as appropriate, renewal of piped/culverted systems and diversions will be considered. However we envisage routes outside property curtilage limiting bends etc.

It is evident from a site walkover and liaising with local residents that several land drains are located on site and are not working efficiently. Renewal and improvement could be carried out regardless of this application. Improvements are therefore expected and any increase in efficiency to flow rates is to be offset by taking road and roof drainage to alternative systems.

A 5l/s connection to manholes on a watercourse in Manchester Road is acceptable. This will increase the size of attenuation envisaged on site which depicted greater discharge rates (10.5l/s) in an earlier submission. Space for the attenuation will have to be considered.

Land immediately adjacent to this outfall is within the blue line boundary. Water emergence in this area is not related to this application but it is expected that the landowner rectifies this issue. The Applicant has been notified”.

Given the nature of the site, with a watercourse running across contours with existing properties below, the risk of flooding in the construction phase, following soil and vegetation strip appears to quite high, both in terms of likelihood and consequences if not appropriately mitigated. As such a detailed strategy to mitigate risk is required, highlighting the need to consider

mitigation techniques for flood routing for blockage scenarios and exceedance events, which should be taken up at the detailed design stage. Flows need to avoid property and curtilage. The applicant concurs with this and the conditions as suggested by the Flood Management & Drainage Officer

The Environment Agency also raises no objections to the granting of planning permission. They recommend the inclusion of a condition for the submission of a scheme to manage surface water run-off.

Yorkshire Water considers the submitted Flood Risk Assessment is satisfactory. They raise no objections subject to the inclusion of a condition that no piped discharge of surface water shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with previously approved details.

Air Quality:

To provide satisfactory air quality mitigation in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and chapter 11 of the NPPF, a plan detailing facilities to be provided for charging plug-in and other ultra-low emission vehicles will be required. This can be addressed through condition.

Representations:

In so far as the comments have not been addressed above:

- Nearby dentists and doctors surgery already over-subscribed

Response: The provision of facilities such as doctors and dentists are a matter for the Local Health Authority and not an issue over which the Local Planning Authority has any control. This is not a material planning consideration.

- Access should be from Manchester Road

Response: It is considered that the proposed point of access from Lingards Road can safely serve the development.

- The proposals are an aggressive “thrusting” intrusion in to Green Belt countryside
- The developer’s intention to develop the adjacent Green Belt is outrageous
- Impact of future Green Belt development on the traffic issues.

Response: Although adjacent to an area of Green Belt the site does not fall within the Green Belt.

- It will do significant harm to tourism potential and public amenity

Response: It is considered that the site can be developed without undue harm to tourism or public amenity, as assessed in the Landscape and Visual amenity section of the report.

- Nearby schools already over-subscribed

Response: The proposals would require an education contribution for a development of 25 dwellings or over and addressed through condition.

Conclusion:

Following the withdrawal of the Core Strategy the Council can no longer demonstrate a required deliverable housing land supply sufficient for 5 years and in accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.

In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

9. RECOMMENDATION:

RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- iii) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE BELOW, AND**
- iv) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

Conditions:

1) Approval of the details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

5) No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

6) No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

7) No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority.

8) Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

9) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority

12) Development shall not commence until an assessment of existing watercourses including location, size, depth and condition, and a scheme to manage flows in channel, exceedance events and blockage scenarios (overland flow) and flood risk associated with these systems, has been submitted to and approved in writing by the Local Planning Authority. Exceedance routes should avoid property and curtilage. The scheme shall include a detailed maintenance and management regime for the watercourse and above ground flow routes which shall be implemented prior to occupation of any dwelling on site.

13) Development shall not commence until a scheme detailing separate systems of foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

14) Development shall not commence until a scheme restricting the rate of surface water discharge from the site to an unnamed watercourse located in Manchester Road (Grid Ref 407162, 413367) at a maximum rate of 5 *litres per second* has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to the critical1 in 100 year storm events with a 30% allowance for climate change and incorporate

overland flood routing for exceedance events and blockage scenarios with appropriate risk mitigation strategies. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented in perpetuity.

15) Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

16) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

17) Prior to occupation of the dwellings, in all residential units that have a dedicated parking area and/or a dedicated garage, an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. In residential units that have unallocated parking spaces then before occupation of these units at least one electric vehicle recharging point per ten properties with the above specification shall be installed.

18) Before development commences a scheme for the provision of an information pack, detailing local bus and rail services and the availability of local services and facilities and Residential Metro Cards for first time occupiers of each dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for their provision. Thereafter the development shall be undertaken in accordance with the approved scheme.

19) No development authorised by this permission shall commence until a detailed scheme for the improvement of bus stops nos. 19383 & 19384 to

provide sheltered bus stops has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with Metro's guideline document – "Bus Stop Infrastructure Guidelines and include:

- details of how the kerbs at the aforementioned stops will be raised to a height of 180mm,
- seating, lighting, and
- bus timetable information
- a timetable for the implementation of the improvement works to be carried and completed.

The development shall thereafter be undertaken in accordance with the approved details and timetable for implementation and completion.

20) Development shall not commence until a scheme detailing the layout, construction and specification of the highway works;

- c) at the site access junction with Lingards Road (with reference to drawing no. 7364/001 Rev A); and
- d) on-site and off-site improvements at PROW Colne Valley public footpath 133;

and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained.

21) The development shall not be brought into use until visibility splays of 2.4 m x 68 m and 2.4 m x 60 m along Lingards Road at the site access junction as indicated in drawing no 7364/001 Rev A in which there shall be no obstruction to visibility above the level of the adjacent carriageway as indicated on the approved plan have been completed. Thereafter, visibility splays as specified above shall be retained.

22) Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to the existing highway shall be submitted to and approved by the in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained

23) Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

24) Before development commences a Biodiversity Mitigation and Enhancement Plan (BMEP) shall be submitted and approved in writing by the Local Planning Authority. The BMEP shall include reference to the issues set out in Kirklees Ecology & Biodiversity officer's consultation response dated 11th September 2015 and include a mitigation strategy and phasing plan. Development shall then be undertaken in accordance with the details so approved.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence, which could lead to prosecution.

NOTE: PROW Colne Valley public footpath 133, which abuts the site, shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Adequate standoff of buildings from the open watercourse should be agreed with the Lead Local Flood Authority. This is to ensure maintenance access and reduce risk of flooding.

NOTE: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

This recommendation is based on the following plans and specifications schedule :-

Plan Type	Reference	Version	Date Received
Location plan	1419-100		6 th Jan 2015
Existing site levels	1419-103		6 th Jan 2015
Indicative site block/layout plan	1419 -101	A	6 th Jan 2015
Proposed new priority junction	7364/001 prepared by CODA	A	20 th March 2015

	Transportation		
TRICS output for buses	Dated 13/03/15 Licence no. 849401		20 th March 2015
Extended Phase 1 habitat survey	Ref: 424.04328.00004		26 th August 2015
Access Statement	7364		6 th Jan 2015
Phase 1 Environmental Assessment	7364		6 th Jan 2015
Flood & Drainage Assessment	7364		6 th Jan 2015
Planning Case Report			6 th Jan 2015
Statement of community involvement			6 th Jan 2015
Design & Access Statement	1419.3a		6 th Jan 2015

Appendix 2 - Update in relation to planning application reference 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015.

**KIRKLEES METROPOLITAN COUNCIL
PLANNING SERVICE
UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY
PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)
15 OCTOBER 2015**

APPLICATION NO: 2014/93946

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**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH
ASSOCIATED ACCESS ONTO LINGARDS ROAD**

**LAND AT, LINGARDS ROAD/MANCHESTER ROAD, SLAITHWAITE,
HUDDERSFIELD, HD7**

Point of Clarification

As stated in the agenda, in the event of the site being developed for 25 dwellings or over an education contribution would be triggered. This would be considered taking into account the needs and provision of the nearest schools, namely Nields Junior Infant & Nursery School and Colne Valley High School.

Appendix 3 - Resolution for planning application reference 2014/93946 reported to the Huddersfield Planning Sub-Committee on 15 October 2015.

2014/93946

Portman Land – Outline application for residential development with associated access onto Lingards Road – Land at, Lingards Road/Manchester Road, Slaithwaite, Huddersfield

CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- (i) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE IN THE SUBMITTED REPORT, AND
- (ii) THERE BEING NO SUBSTANTIAL CHANGE THAT WOULD ALTER THE RECOMMENDATION, ISSUE THE DECISION NOTICE.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Calvert, Khan, Lyons, Pattison, AU Pinnock, Sarwar, Sokhal and Walton (8 Votes)

AGAINST: Councillors Bellamy, D Firth, Hemingway, Marchington, J Taylor and Wilkinson (6 Votes)